

AMENDED IN SENATE MARCH 13, 2006

SENATE BILL

No. 1271

Introduced by Senator Escutia

February 9, 2006

An act to ~~amend Section 1090 of the Government Code~~ *add Section 40402.5 to the Health and Safety Code*, relating to public officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1271, as amended, Escutia. Public officers: conflicts of interest.

Under existing law, the Lewis-Presley Air Quality Management Act establishes the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the South Coast Air Basin, as the local agency with the responsibility for comprehensive air pollution control within the basin. Existing law sets forth the requirements for membership on the south coast district's governing board. Existing law generally prohibits local agency officers and employees from engaging in any employment, activity, or enterprise for compensation that is inconsistent, incompatible or in conflict with their duties or those of the employing agency. Existing law also prohibits a public officer, including an appointed member of a governmental board, from holding 2 public offices that are incompatible. Existing law specifies various offices that are not considered incompatible.

This bill would provide that service on the south coast district board shall not be considered an incompatible office with service on the governing body of another government agency, including, but not limited to, a board of a municipally owned utility.

~~Existing law prohibits Members of the Legislature, state, county, district, judicial district, and city officers or employees from being~~

~~financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 40420.5 is added to the Health and*
2 *Safety Code, to read:*

3 *40420.5. Service on the south coast district board pursuant to*
4 *this article shall not be considered an incompatible office with*
5 *service on the governing board of another government agency*
6 *board, including, but not limited to, a board of a municipally*
7 *owned utility.*

8 ~~SECTION 1. Section 1090 of the Government Code is~~
9 ~~amended to read:~~

10 ~~1090. Members of the Legislature, state, county, district,~~
11 ~~judicial district, and city officers or employees shall not be~~
12 ~~financially interested in any contract made by them in their~~
13 ~~official capacity, or by any body or board of which they are~~
14 ~~members. Nor shall state, county, district, judicial district, and~~
15 ~~city officers or employees be purchasers at any sale or vendors~~
16 ~~involving any purchase made by them in their official capacity.~~

17 ~~As used in this article, “district” means any agency of the state~~
18 ~~formed pursuant to general law or special act, for the local~~
19 ~~performance of governmental or proprietary functions within~~
20 ~~limited boundaries.~~